



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

6. Corporations (§ 80 (10)*)—Subscriptions to Stock—Ratification by Failure to Repudiate.—Where subscriptions to corporate stock were induced by a misrepresentation, and the subscribers' attorney or proxy at the organization meeting of the company was without authority to ratify or repudiate the subscriptions, his action in not repudiating the subscriptions at the organization meeting after notice to him that they were obtained by the misrepresentation did not amount to a ratification precluding subsequent repudiation.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 809.]

7. Corporations (§ 80 (12)*)—Subscriptions to Stock—Election to Affirm or Repudiate.—Subscribers to corporate stock under misrepresentation on full knowledge on their part had the right of election to affirm or repudiate their subscriptions.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 807.]

Appeal from Corporation Court of Petersburg.

Suit by L. A. Rhoades and others against the Banking, Trust & Mortgage Company and others. From decree for defendants, plaintiffs appeal. Reversed as to certain of appellants, and affirmed as to the others.

Hidden & Bickers, of Culpeper, for appellants.

Mann & Townsend, of Petersburg, for appellees.

SUTTON *v.* VIRGINIA RY. & POWER CO.

June 12, 1919.

[99 S. E. 670.]

1. Street Railroads (§§ 93 (2), 99 (7)*)—Crossing Accidents—Rights at Crossings—Speed.—Where the car of a street railway company using a public highway in which it owns no right of way and an automobile driver meet at a crossing, in the absence of statute or ordinance, the common-law rule that the speed must be reasonable obtains; each party being under duty to have his vehicle under such control that either can stop if necessary to avoid a collision.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 128; 12 Va.-W. Va. Enc. Dig. 840.]

2. Street Railroads (§ 93 (2)*)—Crossing Accidents—Speed—Negligence Per Se.—Operation of a street car on a public highway in which the company owns no exclusive right of way, at such a speed as to prevent its stopping before reaching a crossing, is negligence per se.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 840.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

3. Street Railroads (§ 102 (2)*)—Crossing Accident—Contributory Negligence.—Where an automobile driver was struck while crossing a street car track on a public highway in which the company had no exclusive right of way, and both the automobile and the car were traveling at such a speed as to prevent stopping, the driver's negligence, being a contributing proximate cause of the accident, defeated recovery.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 842; 16 Va.-W. Va. Enc. Dig. 1160.]

4. Negligence (§ 101*)—Effect of Contributory Negligence—Modification of Common-Law Rule.—Acts 1916, c. 444, modifying the common-law rule as to the effect of contributory negligence, has no application where a traveler is injured by being struck by an electric street car at a highway crossing.

Error to Circuit Court, Henrico County.

Action by Frank T. Sutton, Jr., against the Virginia Railway & Power Company. Verdict for plaintiff, and from a judgment dismissing the proceedings on defendant's demurrer to the evidence, plaintiff brings error. Affirmed.

Gunn & Mathews, of Richmond, for plaintiff in error.

T. J. Moore and *A. B. Guigon*, both of Richmond, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.